

REMARKS

Claims 1, 9 and 18 have been amended. Claims 1-26 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Claim Objections:

The Examiner objected to claims 1, 9 and 18 due to insufficient antecedent basis. Applicants have amended claims 1, 9 and 18 to overcome this objection.

Additionally, the Examiner requested that applicants specifically point out support in the specification for the limitation “where the connection to the failover server functions like the connection to the remote network server for configuring the client computer system upon boot up.”

At page 3, lines 9-13, the specification states, “[a] *failover server* implemented on the client computer system *is configured to provide functionality similar to the remote network server*” (emphasis added). Additionally, at page 9, lines 19-22, the specification states, “[s]oftware manager 110 *uses failover server 120 ... to configure a network environment* and to run applications on client computer system 100” (emphasis added). Furthermore, when referring to the client computer system booting up, the specification describes how software manager 110 may switch to failover server 120 and how “client computer system 100 will be *configured from failover local database file 126*” (See, page 10, line 22-23 and page 11, lines 20-23). The specification thus clearly describes how the failover server is configured to function like the remote network server and also describes how software manager 110 uses the failover server to configure the client computer system. That software manager 110 would use the failover server through a connection is inherent and is supported by the specification at page 9, lines 9-11, and in Fig. 3. Thus, the specification provides full support for the limitation of “where the connection to the failover server functions like the connection to the remote network server for configuring the client computer system upon boot up.”

Section 103(a) Rejection:

The Office Action rejected claims 1-4, 9-12, 18 and 20-21 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu (U.S. Patent 6,175,918) in view of Basu (U.S. Patent 5,452,454). Applicants respectfully traverse this rejection in light of the following remarks.

Regarding claim 1, Shimizu in view of Basu does not teach wherein the failover server is configured to provide for configuring said network environment on said client computer system when said client computer system boots up if said remote network server unit is not available. The Examiner admits that Shimizu does not include configuring a network environment if the remote network server unit is not available, and relies upon Basu for this functionality. Specifically, the Examiner cites column 6, line 52 – column 7, lines 13 of Basu. However, Basu does not teach a system including configuring a network environment on a client computer if the remote network server is not available. Instead, Basu teaches a multi-stage boot process for remote booting a client device where during the preliminary stages of the boot process the client device downloads a LAD disk image from a remote server to the extended memory of the client device (Basu, column 4, lines 47-55, column 8, lines 8-28, column 9, lines 58-68) and then reboots from the in-memory LAD disk image.

Basu additionally teaches that the downloaded LAD disk image should not be preserved except in memory for the later stages of the boot process. Basu further teaches that the memory taken up by LAD disk image should be made available for other programs or data after the boot process has completed (Basu, column 25, lines 37-44). Basu also teaches that the downloaded LAD disk image should not be preserved so that changes to the LAD disk image only have to be updated on the remote server and will be automatically downloaded the next time the client computer boots (Basu, column 10, lines 6-10). Even when booting from a floppy (and hence other persistent storage) Basu

teaches that the LAD disk image should be downloaded and booted from the computer's memory and not stored on the persistent storage (Basu, column 15, lines 11-14).

Even though the network connection is not needed during the second stage of Basu's boot process, Basu teaches that the network connection is reestablished after the boot process is complete. Specifically, Basu teaches that after booting from a in-memory LAD disk image the client PC loads a new networking environment "to reestablish the network" and also describes how "[o]nce the network environment is loaded into the client PC, the network is reactivated" (Basu, column 7, lines 9-13, and column 8, lines 39-45). In other words, Basu is not teaching a method for booting a computer when a remote network server is not available, but rather, Basu is teaching a method for allowing a client computer to boot from a in-memory boot image downloaded from a remote server and then re-connect to the network.

Thus, Basu's multi-stage remote boot process clearly requires a connection to a remote network server and does not include configuring a network environment on a client computer if the remote network server is not available. Furthermore, since Basu's system requires a connection to a remote network server, Basu's multi-stage boot process is not combinable with Shimizu's mobile operating mode because in Shimizu's mobile mode there is no available network connection and therefore no way for Basu to download the LAD disk image into the mobile computer's memory.

Thus, the combination of Shimizu and Basu is improper and does not result in a system that includes a failover server implemented on said client computer system, wherein said failover server is configured to provide for configuring said network environment on said client computer system when said client computer system boots up if said remote network server unit is not available. Instead, the combination of Shimizu and Basu would only allow Shimizu's computer to boot from a disk image in memory when a remote network server is available from which to download the boot image.

In further regard to claim 1, Shimizu in view of Basu fails to teach wherein a connection to the failover server functions like a connection to the remote network server for configuring the client computer upon boot up. The Examiner has not cited any particular portion of either Shimizu or Basu that teaches or suggests this limitation. Shimizu teaches a disconnected mode of operation in which programs and data file previously download are available for use when the remote server is not available. However, nowhere does Shizumi describe his disconnected mode of operation as including a connection to a failover server that functions like a connection to the remote network server for configuring the client computer upon boot up. Additionally, Basu fails to teach or suggest wherein a connection to a failover server functions like a connection to the remote network server for configuring the client computer upon boot up. In contrast, as described above, Basu discloses a multi-state boot process that requires a client computer to initially download a disk image from a remote server into the client computer's memory during every boot process. Basu fails to mention anything regarding a failover server and further fails to mention anything about a connection to such a failover server functioning like a connection to a remote network server. Therefore, the combination of Shimizu and Basu would not include wherein a connection to the failover server functions like a connection to the remote network server for configuring the client computer upon boot up.

For at least the reasons given above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1, apply to claims 9 and 18, as well.

Claims 5, 13, 14, 19, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Basu and further in view of Fujiwara (U.S. Patent 6,301,710). Applicants respectfully traverse this rejection in light of the following remarks.

Regarding claim 5, Shimizu in view of Basu in further view of Fujiwara fails to teach an update thread configured to perform an update sequence when connected to said

remote network server unit and wherein the update sequence comprises comparing a first group of version numbers associated with files within the client cache image file located on said client computer system with a second group of version numbers associated with files within a second client cache image file located on said remote network server unit. The Examiner contends that Shimizu teaches updating by comparing files between the server and local storage; however, the Examiner's cited passages (Shimizu, column 2, lines 20-27 and column 6, line 63 – column 7, line 22) have nothing to do with updating a client cache image file comprising a copy of an operating system, boot configuration files, and a network database file. Instead, the Examiner's cited passage refers to synchronizing data files edited by a user and does not mention anything about updating a client cache image file. Shimizu is silent regarding an update thread and furthermore specifically teaches away from an update thread configured to update a client cache image file by stating, "[t]he storage of the copy of the OS is performed only when no OS is stored in the local storage" (Shimizu, column 9, lines 46-52).

The Examiner relies upon Fujiwara to teach comparing version numbers of files and cites column 2, lines 49-54 and column 10, lines 7-58. However, neither Fujiwara nor Basu (nor Shimizu) mention anything regarding an *update thread*. Thus, the Examiner's combination of Shimizu, Basu, and Fujiwara fails to teach an update thread configured to perform an update sequence when connected to said remote network server unit and wherein the update sequence comprises comparing a first group of version numbers associated with files within the client cache image file located on said client computer system with a second group of version numbers associated with files within a second client cache image file located on said remote network server unit.

For at least the reason above, the rejection of claim 5 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 5 apply to claims 13 and 22, as well.

Claims 6-8, 15-17 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Basu, in view of Fujiwara and in further view of

Novak et al. (U.S. Publication 2003/0037020) (hereinafter "Novak"). Applicants respectfully traverse the rejection of claims 6-8, 15-17 and 24-26 for at least the reasons given above regarding their respective independent claims.

Applicant also asserts that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-42900/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



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